

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAMON MODESTO,

15-CV-0495 (RA)(KNF)

Plaintiff,

**NOTICE OF MOTION**

Motion for Extension of Time  
To File Response to  
Motions To Dismiss

-against-

HECTOR FIGUEROA, PRES. OF SEIU 32 BJ  
et. al.

Defendants,

X-----X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/23/15
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**PLEASE TAKE NOTICE** upon the annexed affirmation of RAMON MODESTO affirmed on July 17, 2015 plaintiff will move this Court, before KEVIN NATHANIEL FOX, United States Magistrate Judge for an order pursuant to the Federal Rules on Civil Procedure granting plaintiff's motion for extension of time to file response to various defendants motions to dismiss.

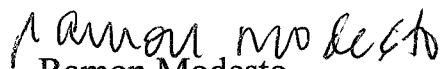
This motion is in response to the courts order directing plaintiff to file a response to the defendants motion to dismiss on or before July 23, 2015.

That this case should have been set for mediation tomorrow, July 24, 2015, before Mediator Eric Dranoff at 10 am. For some flimsy reason, counsel for defendant moved for the untimely postponement of this scheduled mediation at a very late date on July 17, 2015, after the scheduled mediation was fixed on a date long before. His excuse was that some defendants have not participated in the case.

This fact counsel knew from the very start. Plaintiff had no role in this and could not be held responsible therefor. Plaintiff's counsel for mediation was ready, able and willing to appear before the mediator, but their legal efforts were thwarted due to an apparent tactic of defendants's counsel to prolong this case. It appears that the only reason for defendants move is to unduly delay this case despite mandatory mediation, and to further frustrate the ends of justice and the early resolution of this case.

**I declare under the penalty of perjury that the foregoing is true and correct.**

Dated: Woodside, New York  
July 23, 2015

  
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